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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,214	02/24/2004	Robert Lee Burchette JR.	30924-001	8815

7590

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John B. Hardaway, III
NEXSEN PRUET, LLC
P.O. Box 10107
Greenville, SC 29603

EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,214

Applicant(s)

BURCHETTE, ROBERT LEE

Examiner

Vernal U. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 and 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 19-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on March 09, 2006

Response to Amendment

The examiner has acknowledged the cancellation of claims 1-16, the amendment of claim 17 and the addition of claims 19-38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752.

Regarding claim 19, Hsu et al. teaches a device to provide fingerprint access to the interior of a vehicle comprising;

a protective housing including a fingerprint sensor 14 mounted on the exterior of the vehicle (figure 2) (col. 4 lines 42-45);

a wired means for connecting the fingerprint sensor 14 to an electric circuit (30) for storing and verifying electronic fingerprint information (col. 4 lines 54-57);

means (34) to activate a device (door) to allow access control upon verification of electronically stored fingerprint information (col. 4 lines 61-65). Hsu et al. is silent on teaching

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means for switching the circuit from a low-power sleep state to a higher-power active state for enabling the fingerprint sensor to acquire the fingerprint and is also not explicit in teaching means for connecting the sensor to a power source. Radke in an art related fingerprint reader invention teaches a fingerprint sensor connected to a power supply (figure 12) and teaches means for switching the circuit from a low-power sleep state to a higher-power active state for enabling the fingerprint sensor to acquire the fingerprint (paragraph 0032).

It would have been obvious to one of ordinary skill in the art to have means for connecting the sensor to the power supply and to have means for switching the circuit from a low-power sleep state to a higher-power active state because the sensor must be connected to the power supply and the means for switching the circuit from a low-power sleep state to a higher-power active state in order to conserve the power supply of the fingerprint sensor.

Regarding claim 20, Hsu et al. teaches the fingerprint sensor is housed in the protective housing of the door handle (col. 4 lines 33-36) and the fingerprint sensor is sealed as shown in figure 3.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752 and further in view of Foster, Jr. US Patent 5668929

Regarding claim 17, Hsu et al. in view of Radke teaches a power supply for supplying power to the fingerprint identification system (see response to claim 19) but is silent on teaching a rechargeable backup battery for providing power. Foster, Jr. in an art related security system

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invention teaches the use of a rechargeable backup battery for providing power (col. 8 lines 51-60) in order to provide power when the main power supply is not available .

It would have been obvious to one of ordinary skill in the art to have a rechargeable backup battery for providing power to the reader in Hsu et al. as taught by Foster Jr. in order to provide power when the main power supply is not available and further avoiding an interruption to the power supply or an interruption to the security device.

Claims 21, 23, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752 and further in view of Reardon US Patent 5078426.

Regarding claims 21 and 23, Hsu et al. teaches a fingerprint sensor (col. 4 lines 42-45) but is silent on teaching a hinged fingerprint sensor cover. Reardon in an art related fingerprint reader invention teaches a hinged fingerprint cover (col. 4 lines 16-18) to protect the fingerprint sensor from dirt and other contaminants and facilitate the easy removal of the fingerprint sensor cover.

It would have been obvious to one of ordinary skill in the art to have a hinged fingerprint cover in Hsu et al. because the hinged fingerprint protective cover protect the fingerprint sensor from dirt and other contaminants and facilitate the easy removal of the fingerprint sensor cover.

Regarding claims 24-25, Hsu et al. teaches means such as ignition switch, climate control, and seat adjuster for selecting the function (figure 5).

Regarding claim 26, Hsu et al. teaches the electronic circuit (30) for storing and verifying the fingerprint is with the protective housing provided by the vehicle (col. 4 lines 55-57).

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Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752 in view of Reardon US Patent 5078426 and further in view of Toshiyuki Usui Japanese Patent Publication JP02002155650.

Regarding claim 22, Hsu et al. in view of Radke in view of Reardon teaches a protective cover to cover the fingerprint sensor (see response to claim 21) but is silent on teaching a switch attached to the fingerprint cover. Usui in an art related fingerprint lock invention teaches a switch connected to the protective cover of the fingerprint sensor (abstract).

It would have been obvious to one of ordinary skill in the art to have a switch attached to the fingerprint cover so that the fingerprint sensor is activated upon removal of the fingerprint sensor protective cover.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752 in view of Foster, Jr. US Patent 5668929 and further in view of Anzai et al. US Patent 6271745.

Regarding claim 27, Hsu et al. in view of Radke in view of Foster, Jr. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) but is silent on teaching a backup battery with sufficient capacity to enable a vehicle to start when a main battery has been discharged. Anzai et al. in an art related keyless system teaches a vehicle having a backup battery for enabling the operation of the vehicle if the main vehicle power supply fails (col. 3 line 64- col. 4 line 10).

It would have been obvious to one of ordinary skill in the art to have a backup battery with sufficient capacity to enable a vehicle to start when a main battery has been discharged in

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Hsu et al. because this enable access to the vehicle for at least to change the change the battery when the main battery supply fail.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752 and further in view of Bonder et al. US Patent 6078265.

Regarding claims 28-29, Hsu et al. in view of Radke teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) but is silent on teaching a radio frequency identification device containing the fingerprint information. Bonder et al. in an art related fingerprint security system teaches a radio frequency identification device containing the fingerprint information (col. 4 lines 5-22).

It would have been obvious to one of ordinary skill in the art to have a radio frequency identification device containing the fingerprint information in Hsu et al. in view of Radke because this provide the means of pre-storing the fingerprint on the key of the authorized user so that if the key is accidentally left in the ignition an unauthorized person is unable to operate the vehicle ignition.

Claims 30-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radke US Patent Application Publication 20040155752 in view of Shohara et al. US Patent 6473607.

Regarding claim 30, Radke teaches conserving energy to a fingerprint reader by entering a sleep mode after a predetermined amount of time after detecting a fingerprint and re-energizing the fingerprint sensor when a finger is detected (paragraph 0033-0034). Radke is however not explicit in teaching a clock which counts count the time since the last input into the electronic

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circuit. The use of a counter to count the time since the last input for determining the timeout period is a conventional practice and is further evidenced by Shohara et al. (col. 6 lines 17-29).

It would have been obvious to one of ordinary skill in the art to provide a counter to count the time since the last input into the electronic circuit in Radke because this allows the user to control how soon the device enters the sleep mode after its activation period.

Regarding claims 31 and 33, Radke teaches a switch for re-energizing the fingerprint sensor (paragraph 008).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Radke US Patent Application Publication 20040155752 in view of Shohara et al. US Patent 6473607. and further in view of Toshiyuki Usui Japanese Patent Publication JP02002155650.

Regarding claim 32, Radke teaches a switch for re-energizing the fingerprint sensor (paragraph 008) but is a switch attached to the fingerprint cover. Usui in an art related fingerprint lock invention teaches a switch connected to the protective cover of the fingerprint sensor (abstract).

It would have been obvious to one of ordinary skill in the art to have a switch attached to the fingerprint cover so that the fingerprint sensor is activated upon removal of the fingerprint sensor protective cover.

Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of Radke US Patent Application Publication 20040155752 and further in view of Bonder et al. US patent 6078265.

Regarding claims 34-38, Hsu et al. teaches enrolling new user fingerprint (col. 2 lines 35-42), a starter interlock for preventing the actuation of the ignition without a valid fingerprint (col.

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6 lines 50-60) but is silent on teaching a password protected detachable enroller. Bonder et al. in an art related fingerprint security system teaches the use of a password protected detachable programming unit for programming new fingerprint (col. 5 lines 20-22).

It would have been obvious to one of ordinary skill in the art to have a password protected enrollment device because this enables the addition of new users to the fingerprint protected system and further ensure that the enrollment device is operated by an authorized person.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
May 30, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER